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VIA EMAIL AND ECF

Carolyn Pokorny, Esq.
Roger Burlingame, Esq.
Todd Kaminsky, Esq.
Unites States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Pedro Espada, Jr., et al.*, 10-CR-985 (FB)

Dear Counsel:

We have reason to believe that on more than one occasion prosecutors or other government agents have made statements to witnesses or their attorneys indicating that the government believed that the witness had lied, and that criminal charges could or would be brought against the witness unless the witness recanted their prior statements, or told a different story to the government. Indeed, it appears that the witness who you have asserted was intimidated by Espada, Evette Maduro, was threatened by your office with prosecution, and only after she was threatened did she change her prior statement and accused Espada of causing her to lie in the grand jury. We also believe that similar types of threats were made to Norma Ortiz and other witnesses.

Threats made by the government to witnesses, whether made directly to the witness or indirectly, to the witnesses' attorneys or to relatives of witnesses, are *Giglio* information which

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the government is required to disclose to defense counsel. It is not enough that the government disclose *promises of benefits*, such as promises not to prosecute, made to witnesses - the government must also disclose any *threats* made to the witnesses. *United States v. Scheer*, 168 F.3d 445 (11th Cir. 1999); *United States v. Sutton*, 542 F.2d 1239 (4th Cir. 1976); *United States v. Cody*, 772 F.2d 1052, 1062 (2d Cir. 1983).

You have represented to the Court that you provided defense counsel with all *Giglio* material in this case. We do not, however, appear to have any statements concerning threats made to government witnesses. Please inform us immediately of any threats made to witnesses, whether made directly or indirectly.

Very truly yours,

By: /s/Susan R. Necheles
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